

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-20037-Civ-Martinez-Sanchez

GOPRO, INC.,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS, LIMITED  
LIABILITY COMPANIES, PARTNERSHIPS, AND  
UNINCORPORATED ASSOCIATIONS IDENTIFIED  
ON SCHEDULE A,

Defendants.

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**REPORT AND RECOMMENDATION ON PLAINTIFF'S  
MOTION FOR PRELIMINARY INJUNCTION**

This matter is before the Court on the Plaintiff's Motion for a Preliminary Injunction. ECF No. 5.

On May 28, 2024, the Plaintiff's motion for a temporary restraining order against the Defendants was granted, and a temporary restraining order was entered against the Defendants. ECF No. 17. That temporary restraining order expired on June 20, 2024. ECF No. 21; *see also* ECF No. 17 at 11 (setting forth original June 5, 2024 expiration date). The Plaintiff's motion for a preliminary injunction was subsequently referred to the undersigned on August 16, 2024, in a Sealed Order of Reference to Magistrate Judge. ECF No. 51.<sup>1</sup>

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<sup>1</sup> Although Judge Martinez entered the Sealed Order of Reference on August 16, 2024, ECF No. 51, it appears that an unidentified systems glitch failed to transmit any notice of the referral to the undersigned at that time, and the undersigned failed to learn of the referral. Regrettably, the undersigned only discovered that the motion for preliminary injunction had been referred upon a later review of the docket after the Plaintiff's subsequent motion for default judgment was also referred to the undersigned in October.

On October 3, 2024, the Plaintiff filed a motion for default judgment, which requests the entry of a permanent injunction. *See* ECF No. 61. That motion was referred to the undersigned on October 4, 2024. *See* ECF No. 62.


Because the Plaintiff had both a motion for a preliminary injunction and a motion for default judgment seeking a permanent injunction pending simultaneously, the undersigned held a status conference to address what relief was appropriate and being requested by the Plaintiff given the procedural posture of the case. *See* ECF Nos. 65, 69. Given the circumstances, the Plaintiff elected to have the Court address the motion for default judgment and the incorporated request for a permanent injunction and bypass the request for preliminary injunctive relief, which would be rendered moot by a permanent injunction.

The undersigned has now submitted a Report and Recommendation on the Plaintiff's motion for default judgment, recommending that the motion be granted and that the Court award the Plaintiff, among other things, permanent injunctive relief against the Defendants. *See* ECF No. 73. The granting of the Plaintiff's motion for a default judgment and the accompanying entry of a permanent injunction will render the Plaintiff's motion for preliminary injunction moot. Accordingly, the undersigned **RESPECTFULLY RECOMMENDS** that the Plaintiff's motion for preliminary injunction, ECF No. 5, be **DENIED AS MOOT** upon the Court's entry of the default judgment requested by Plaintiff.

Pursuant to Local Magistrate Rule 4(b), the Court finds good cause to EXPEDITE the period to serve and file written objections to this Report and Recommendation. Accordingly, within three (3) days from the date of this Report and Recommendation, that is, **by Friday, November 22, 2024**, the parties shall serve and file written objections, if any, to this Report and Recommendation with the Honorable Jose E. Martinez, United States District Judge. Failing to

file timely objections will bar a *de novo* determination by the District Judge of any issue addressed in the Report and Recommendation, will constitute a waiver of a party's "right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions," and will only allow appellate review of the district court order "for plain error if necessary in the interests of justice." 11th Cir. R. 3-1; 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 146-47 (1985); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989); *see also Harrigan v. Metro Dade Police Dep't Station #4*, 977 F.3d 1185, 1191-92 (11th Cir. 2020).

**RESPECTFULLY RECOMMENDED** in Chambers in Miami, Florida, this 19th day of November 2024.

  
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EDUARDO I. SANCHEZ  
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Jose E. Martinez  
Counsel of Record